



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/931,009 Confirmation No.: 2825
Applicant : Theresa H. SMITH, Ph.D.
Filed : August 17, 2001
Title : PRO-INFLAMMATORY FIBRINOPEPTIDE
Group Art Unit : 1653
Examiner : LIU, Samuel W.
Atty. Docket No. : US 1257/01 (VA)
Date : January 12, 2005

RESPONSE

TO

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice to Comply With Requirements For Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed with

Appl. No.: 09/931,009
Response dated January 12, 2005
Reply to Quayle Action of November 24, 2004

the Quayle Action of November 24, 2004, attached hereto are the following:

1. A substitute paper copy of the Sequence Listing;
2. A replacement diskette (2 copies) containing the substitute Sequence Listing;
3. Copy of Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures; and
4. An Amendment Under 37 CFR §1.312.

It is submitted that the substitute paper copy, and the replacement diskette, containing the Sequence Listing, include no new matter. Further, it is submitted that the amendments to the Sequence Listing are formal in nature and are fully supported by the application, as filed. These amendments are being made to provide SEQ ID NOs. for the sequences set forth in the specification, as noted by the Examiner in the Quayle Action.

Finally, it is submitted that the content of the Sequence Listing information recorded on the replacement diskette (2 copies) is identical to the substitute copy of the Sequence Listing provided herewith.

It is believed that no fee is due for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies, or

Appl. No.: 09/931,009
Response dated January 12, 2005
Reply to Quayle Action of November 24, 2004

credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully submitted,



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Attorney for Applicant(s)
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DA/va



Notice to Comply

Application No.
09931009

Applicant(s)
Smith, T. H.

Examiner
Samuel W. Liu

Art Unit
1653

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: the specification contains peptide sequences without the corresponding SEQ ID NOs: (see Quayle Action). Applicants are required to comply with requirements for patent application containing amino acid sequence disclosure.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

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